

Founded 1875

Village of LaGrange

RESOLUTION 2022 - 982

A RESOLUTION ADOPTING AND AFFIRMING A PUBLIC RECORDS POLICY FOR THE VILLAGE OF LAGRANGE AND DECLARING AN EMERGENCY.

BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF LAGRANGE, COUNTY OF LORAIN, STATE OF OHIO THAT:

SECTION 1: Council does hereby affirm and adopt a Public Records Policy attached hereto as **Exhibit A.**

SECTION 2: A copy of said Policy shall be posted in the public offices of the Village of LaGrange in accordance with law.

SECTION 3: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this resolution were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 4: This Resolution is and is hereby declared to be an emergency measure, the emergency being the necessity to comply with state requirements regarding the adoption and posting of a public records policy for the public offices of the Village of LaGrange and thereby to provide for the health, safety, welfare, and peace of the inhabitants of the Village of LaGrange, wherefore this Resolution shall go into effect immediately upon passage.

1st reading: 12-08-2022


2nd reading: _____

3rd reading: _____

PASSED: 12-08-2022


ATTEST: 
Christie Homer-Miller Fiscal Officer

SIGNED:



Kim E. Strauss, Mayor
Pres. Pro Tempore

APPROVED AS TO FORM:



Jon D. Clark, Solicitor

EXHIBIT A

Village of LaGrange

Public Records Policy

MISSION STATEMENT

Openness leads to a better-informed citizenry, which leads to better government and better public policy. It is the mission and intent of the Village of LaGrange to at all times fully comply with and abide by both the spirit and the letter of Ohio's Public Records Act.

DEFINING PUBLIC RECORDS

A "record" is defined to include the following: A document in any format – paper, electronic (included, but not limited to, business e-mail) – that is created, received by, or comes under the jurisdiction of the Village of LaGrange that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

A "public record" is a record that is being kept by this office at the time a public record request is made, subject to applicable exemptions from disclosure under Ohio or federal law. All public records must be organized and maintained in such a way that they can be made available for inspection or copying.

RESPONSE TIMEFRAME

Public records are to be available for inspection during regular business hours. Public records must be made available for inspection promptly. Copies of public records must be made available within a reasonable period of time. "Prompt" and "reasonable" take into account the volume of records requested, the proximity of the location where the records are stored, the necessity for any legal review and redaction, and other acts and circumstances of the record requested.

It is the goal of the Village of LaGrange that all requests for public records should be acknowledged in writing, or if feasible, satisfied within three business days following the offices' receipt of the request.

HANDLING REQUESTS

No specific language is required to make a request for public records. However, the requester must at least identify the records requested with sufficient clarity to allow the office to identify, retrieve, and review the records.

The requester does not have to put a records request in writing, and does not have to provide his or her identity or the intended use of the requested public record(s). It is this office's general policy that this information is not to be requested. However, the law does permit the office to ask for a written request, the requester's identity, and/or the intended use of the information requested, but only if (1) a written request or disclosure of identity or intended use would benefit the requester by enhancing the office's ability to identify, locate, or deliver the public records that have been requested; and (2) the requester is first told that a written request is not required and that the requester may decline to reveal the requester's identity or intended use.

In processing the request, the office does not have an obligation to create new records or perform a search or research for information in the office's records. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through the office's standard use of sorting,

filtering, querying features. Although not required by law, the office should consider generating new records when it makes sense and is practical under the circumstances.

In processing a request for inspection of a public record, an office employee may accompany the requester during the inspection to make certain original records are not taken or altered.

A copy of the most recent edition of the Ohio Sunshine Laws Manual is available via the Ohio Attorney General's website (www.ohioattorneygeneral.gov/yellowbook) for the purposes of keeping employees of the office and the public educated as to the office's obligations under Ohio's Public Records Act, Ohio's Open Meeting Act, record retention laws, and the Personal Information Systems Act.

ELECTRONIC RECORDS

Records in the form of e-mail, text messaging, and instant messaging, including those sent and received via a hand-held communications device, are to be treated in the same fashion as records in other formats, such as paper or audiotape.

Public record content transmitted to or from private accounts or personal devices is subject to disclosure. All employees or representatives of this office are required to retain their e-mail records and other electronic records in accordance with applicable record retention schedules.

DENIAL AND REDACTION OF RECORDS

If the requester makes an ambiguous or overly broad request or has difficulty in making a request such that the office cannot reasonably identify what public records are being requested, the request may be denied, but the office must provide the requester an opportunity to revise the request by informing the requester of the manner in which records are maintained and accessed by the office.

If the office withholds, redacts, or otherwise denies requested records, it must provide an explanation, including legal authority, for the denial(s). If the initial request was made in writing, the explanation must be in writing. If portions of a record are public and portions are exempt, the exempt portions may be redacted and the rest must be released. When making public records available for public inspection or copying, the office shall notify the requester of any redaction or make the redaction plainly visible.

COPYING AND MAILING COSTS

Those seeking public records may be charged only the actual cost of making copies, not labor. The charge for paper copies is ten (10) cents per printed page. The charge for electronic files downloaded to compact disc or jump drive is (to be determined) per disc or jump drive.

A requester may be required to pay in advance for the actual costs involved in providing the copy. The requester may choose whether to have the record duplicated upon paper, upon the same medium on which the public record is kept, or upon any other medium on which the office determines that the record can reasonably be duplicated as an integral part of the office's normal operations.

MANAGING RECORDS

The Village of LaGrange's records are subject to record retention schedules. The office's current schedules are available at 301 Liberty St., a location readily available to the public as required by Ohio Revised Code 149.43(B)(2).